

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHNNY JONES,

Plaintiff,

Case No. 3:21-cv-00004-MMD-WGC

ORDER

THE NEVADA BOARD OF PAROLE
COMMISSIONERS, *et al.*,

Defendants.

Pro se Plaintiff Johnny Jones brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 11), recommending the Court deny Jones’ motion for injunctive relief (ECF No. 8 (“Motion”)). Jones had until June 1, 2021, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will deny Jones’ Motion without prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct de novo review, and is
2 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends that Jones'
3 Motion should be denied because he has not demonstrated a likelihood of success on
4 the merits. (ECF No. 11 at 4.) Judge Cobb reasoned that there is a chance that the parole
5 board members may have been acting in a judicial capacity that would entitle them to
6 absolute or qualified immunity. (*Id.* at 5.) Moreover, Judge Cobb found that Jones'
7 argument of his equal protection claim omits any discussion of the government's interest
8 in using gender as a factor in parole assessments. (*Id.* at 6.) Accordingly, Jones' Motion
9 does not sufficiently demonstrate he is likely to succeed under intermediate scrutiny. (*Id.*)
10 Finally, Judge Cobb was not convinced that Jones had demonstrated a likelihood of
11 irreparable harm in the absence of injunctive relief because there is no guarantee he
12 would be granted parole even if the Court granted the Motion. (*Id.*) The Court agrees with
13 Judge Cobb. Having reviewed the R&R and the record in this case, the Court will adopt
14 the R&R in full.

15 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.
16 11) is accepted and adopted in full.

17 It is further ordered that Jones' motion for injunctive relief (ECF No. 8) is denied
18 without prejudice.

19 DATED THIS 11th Day of June 2021.

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MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE